

EXHIBIT K

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LUCERO SANCHEZ, :
Plaintiff, :
v. : Case No:
: 3:20-cv-00317-MMD-CSD
RENOWN HEALTH, a non-profit :
Nevada Corporation, and :
DOES 1-20, inclusive, :
Defendants. :
- - - - - x

Deposition of GUADALUPE AGUILAR
San Antonio, Texas
Tuesday, August 2, 2022
11:01 a.m. CST

Job No.: 457300
Pages: 1 - 161
Reported by: Christine G. Griffin, RPR, CSR

1 the patients, like a food order.

2 Q. When you worked with her, did she hold a
3 management position?

4 A. Not at the main campus, no.

5 Q. Did you ever work with Herman Pineda,
6 P-I-N-E-D-A?

7 A. I worked with him in South Meadows.
8 Yes, I did work with him.

9 Q. What position did Mr. Pineda hold when
10 you worked with him?

11 A. When I first worked with him, he was a
12 dishwasher.

13 Q. Did he hold any other positions when you
14 worked with him?

15 A. No.

16 Q. Did you ever work with Mr. Pineda when
17 he held a supervisor position?

18 A. No.

19 Q. Did you ever hear why Mr. Pineda is no
20 longer employed with Renown?

21 A. No.

22 Q. What were your duties as a cashier in
23 the food -- in the Food and Nutrition Services
24 department?

25 A. Taking up the orders when the people --

1 they would order from the -- from the menu. Bring
2 up the orders, collect the money, and go back and
3 get the food and deliver it back.

4 But meanwhile we had to put away our
5 supplies, stock, clean. You know, stock
6 everything up that's needed, all the utensils and
7 all that stuff.

8 Q. How many registers are located in the
9 cafe at the South Meadows location?

10 A. Two.

11 Q. Did you work mostly by yourself or when
12 you were scheduled to work was there usually
13 another cashier scheduled to work at the same
14 time?

15 A. At the beginning it was -- because the
16 cafeteria -- the South Meadows was open from 7 to
17 3, so there was a morning cashier, and I would
18 come in till 10, and the morning cashier would
19 only -- they would only work till 1.

20 Q. Do you know what time the morning
21 cashier began the shift?

22 A. 6 -- 6 or 6:30.

23 Q. What other positions were scheduled to
24 work other than the cashier in the cafe?

25 A. In the cafe, just those two.

Transcript of Guadalupe Aguilar
August 2, 2022

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1 A. No.

2 Q. I'm gonna ask you to look at the
3 fifth -- or, I'm sorry, the sixth page of the
4 document. There's a section called Development
5 Plan. Do you know what this section means in the
6 performance evaluation?

7 A. The scoring? Is that the --

8 Q. So in the development plan section, the
9 second paragraph states: Maximize current
10 strengths by focusing on and continuing to (at
11 least three): No. 1. Flexible with schedule;
12 No. 2. Provides assistance with catering and event
13 setup; No. 3. Willing to take on challenge.

14 Do you know what that writing signifies
15 or what it means or why it's on your performance
16 evaluation?

17 A. Is this Rhonda writing from what she
18 saw, what I did as an employer?

19 Q. Yes, most likely.

20 A. Okay. So, yes, I understand what she's
21 trying to say.

22 Q. Okay. So when Rhonda wrote in your
23 performance evaluation that you could maximize
24 your strength by focusing on and continuing to
25 provide assistance with catering and event setup,

1 do you know what she meant?

2 A. I helped Rhonda do the caterings for
3 South Meadows or setting up for any kind of events
4 that were over there when I worked there with her.

5 Q. Okay. How many catering events were
6 held at the South Meadows location in this time
7 period in 2016?

8 A. Maybe 15. Well, when she was there?

9 Q. Yes.

10 A. Little ones. Little -- there's -- I
11 count -- you know, there's little ones and there's
12 big ones, but maybe around 15.

13 Q. Fifteen little ones or fifteen big ones?

14 A. Mixed altogether.

15 Q. Okay. And are you saying about 15
16 catering events per year were held at the South
17 Meadows location?

18 A. No, they -- the times that I helped her
19 when I was working there -- when she was working
20 there with me, because --

21 Q. Okay. And what --

22 A. I'm sorry. After she left, Kristin took
23 over. Kristin took over as managing supervisor
24 and Kristin took care of the catering.

25 Q. How many catering events do you think

1 you helped Kristin with?

2 A. Maybe two. I didn't really help her.
3 Because after Kristin, there was a change of --
4 they started eliminating having these meetings.
5 They were -- I'm thinking because of budget they
6 were eliminating all these caterings. There
7 wasn't really -- they were trying to get rid of
8 them.

9 Q. How do you know they were trying to get
10 rid of them?

11 A. Well, that's what Kristin told me. She
12 said that there wasn't -- there wasn't gonna be no
13 more -- there was the meetings but no more food
14 was gonna be supplied for them. The meeting was
15 there but no more food was supplied -- supplied
16 for them.

17 Q. Okay. Do you know what kind of meetings
18 these were when Rhonda was assisting with the
19 catering?

20 A. It's just the staff would organize,
21 okay, we want, let's say, the department be
22 catered, or they're gonna have an event from the
23 outside coming in for the seniors and they want,
24 you know, beverages and pastries. You know,
25 different -- different meetings. It was just

1 Coordinator; F as in food, N as in nutrition, S as
2 in services, coordinator?

3 A. Did I know her in that position? No.

4 Q. Okay. So when you came back and worked
5 at Renown the second time, did Ms. Sanchez hold
6 the cashier position?

7 A. Yes, she was a cashier.

8 Q. Did you hear that she previously held
9 the FNS coordinator position?

10 A. Yes.

11 Q. Do you know what duties she performed as
12 the FNS coordinator?

13 A. From what she told me and the staff,
14 which was the cooks, she would do the deposits for
15 the cafeteria -- the money, the money-wise; she
16 would bill, I guess, for the caterings for
17 whatever -- the billing for the month to bill the
18 departments; and she would also set up the
19 caterings and break 'em down.

20 Q. Were those the duties that Rhonda Tu was
21 performing when you began your second period of
22 employment with Renown?

23 A. Yes. And I gotta mention something.

24 When I first -- when I first started working
25 there, Rhonda had just started, too. So Rhonda

1 was new so Rhonda didn't know a lot of the things,
2 so Rhonda would pull out Lucero a lot to take her
3 because Lucero already knew how everything ran.
4 So Rhonda would pull Lucero to take her to -- so
5 Lucero would train her how to do all the things on
6 the computer, do all the, you know, deposits and
7 all that.

8 Q. Do you know how long Ms. Sanchez spent
9 showing Ms. Tu how to do those tasks?

10 A. When I first started, I think it took --
11 she would pull her for the first two months.

12 Q. Do you know why Ms. Sanchez was no
13 longer performing those tasks?

14 A. No. No, I don't.

15 Q. Did the cooks ever tell you why
16 Ms. Sanchez was no longer performing those tasks?

17 A. No.

18 Q. Did the cooks ever tell you that
19 Mr. Pineda was terminated?

20 A. No.

21 Q. Do you know why Ms. Sanchez was
22 transferred from the position of FNS coordinator
23 to the food services cashier position?

24 A. From my knowledge, what she told me was
25 her position was eliminated.

1 Q. Do you know why the position was
2 eliminated?

3 A. I have no idea. I just know that I saw
4 changes in the system, in the -- that the --
5 everything was starting -- like no more caterers
6 were involved. Like before, let's say we had
7 three to four a day, and then there was -- like it
8 was starting to get slower, and now there's only
9 two a day, you know, and then eventually one a
10 week. So I don't know if they were cutting back.
11 I'm not sure.

12 Q. Okay. Do you know whether anyone held
13 the food -- the FNS coordinator position in 2018
14 or 2019?

15 A. No.

16 Q. And is it your testimony that catering
17 and special events did not occur at the South
18 Meadows location in 2018 and 2019?

19 A. No. There were still some, yes.

20 Q. How many were there?

21 A. I couldn't tell you. I just saw them
22 doing, like -- I guess when Kristin was there, she
23 just took over. Because I was basically alone in
24 the cafeteria after that. She just did it on her
25 own. Kristin would do it.

1 Q. When you stacked the cart, did you use
2 the very lowest level --

3 A. No.

4 Q. -- of the cart?

5 A. No.

6 Q. Why not?

7 A. I just didn't want to bend all the way
8 down there. I'd just rather just walk back and
9 forth.

10 Q. Okay. So you were able to use as many
11 trips as you'd like?

12 A. Yes.

13 Q. Okay. Would you use the middle rack of
14 the cart when you had to transport the cases of
15 water?

16 A. I did.

17 Q. And it appears that two cases of water
18 would fit on that middle level; is that correct?

19 A. Yes.

20 Q. Okay.

21 A. But everybody works different. I didn't
22 use that. I didn't use the -- it was too hard to
23 get it in there because those are too big, so I
24 wouldn't use the middle one for water. It just
25 gets stuck in there.

1 Q. Okay.

2 A. But everybody works different. I don't
3 know who did that one.

4 Q. Okay. So there was no requirement that
5 you had to stack --

6 A. No.

7 Q. -- you know, five or six cases with each
8 trip?

9 A. No.

10 Q. Okay. You could do it as you preferred?

11 A. That's correct.

12 Q. Okay.

13 MS. KETNER: I'm done with that exhibit.
14 If you could move to Exhibit 20.

15 (Thereupon, Defendants' Exhibit 20 was
16 marked for purposes of identification.)

17 (PD technician complies.)

18 BY MS. KETNER:

19 Q. Now, this is Bates stamped Sanchez
20 000039 to Sanchez 000040. Do you recognize what's
21 depicted in that photograph?

22 A. That's the cashier register.

23 Q. Okay. And what is behind the cashier
24 register?

25 A. It's one of the chairs from the Cafe --

1 Q. Do you know why -- I'm sorry. Go ahead.

2 A. Somebody pulled it there. It's usually
3 not there. Somebody -- it's from the Cafe. You
4 see the others ones back there? That's where
5 it's -- somebody pulled it in the front there.

6 Q. Did you ever see Ms. Sanchez use that
7 stool that is depicted in Exhibit 20?

8 A. I did see her. When she would get
9 tired, she would lean on that.

10 Q. How often did you see her lean on the
11 stool?

12 A. When I got to work after she got hurt
13 with her -- well, it was every day when I was
14 there, when she was there after she got hurt.

15 Q. So before Ms. Sanchez got hurt, the
16 stool wasn't there; is that correct?

17 A. No. That stool belongs to the -- to the
18 -- it doesn't belong to the cafeteria -- I mean to
19 the cashiers. It's over there. It belongs to the
20 Cafe.

21 Q. Okay. Do you know why the stool was
22 placed behind the cashier register?

23 A. Probably 'cause she gets tired of
24 standing because her -- I'm assuming.

25 Q. Was the stool placed behind the cashier

1 register before Ms. Sanchez got hurt?

2 A. No.

3 Q. Was the stool placed behind the cashier
4 register after Ms. Sanchez got hurt?

5 A. Yes.

6 Q. Do you recall seeing the stool placed
7 behind the cashier register every day that
8 Ms. Sanchez worked after she got hurt?

9 A. No. When I would come in that -- when I
10 would come in at 10 it was never there because she
11 has to be walking back and forth, so the stool was
12 placed there when I got there from work.

13 Q. Do you know who placed the stool there?

14 A. Probably Lucero. Yeah.

15 Q. Did you ever see Ms. Sanchez move the
16 stool?

17 A. To get out of the way, yes.

18 Q. Do you know why she was moving it to get
19 out of the way?

20 A. We have to do a lot of walking back and
21 forth to get a lot of the orders and a lot of the
22 steam stuff. It's just a lot of walking back and
23 forth, so it needs to move -- it needs to be moved
24 out of the way for her to move back and forth.

25 Q. So you testified that you saw

1 Ms. Sanchez lean on the stool?

2 A. Yes, because when we get busy at a time,
3 then I would stay there to make sure the line was
4 full with the steam table. I would let her stay
5 to just take the orders, so she would just lean on
6 the stool for that. It could be up to 45 minutes
7 or an hour while we're running for the lunch hour.

8 Q. Okay. So you would see Ms. Sanchez lean
9 on the stool for how long?

10 A. That time that we were busy, for 45 to
11 an hour.

12 Q. Was Ms. Sanchez able to sit down on the
13 stool while she was operating the cash register?

14 A. Yeah, she could. Yeah.

15 Q. Did you ever see her sit down on the
16 stool when she was operating the cash register?

17 A. Yes.

18 Q. Okay. How often did you see her sit
19 down on the stool when she was operating the cash
20 register?

21 A. How often?

22 Q. Yeah. I'm trying to get a sense -- on
23 the days that you worked with her and the two-hour
24 overlap that you had each day with her --

25 A. Uh-huh.

1 A. When she would come over. She would
2 come over and talk to Rhonda, maybe to check on
3 how everything's going in the -- in the kitchen
4 here at South Meadows. I'm assuming, because she
5 wasn't really that often coming over, Christina.

6 Q. Okay. So maybe three times a month you
7 saw Christina Vargas at the South Meadows
8 location?

9 A. Yes.

10 Q. And how long did Christina Vargas stay
11 at the South Meadows location; was she kinda in
12 and out or was she there for a whole day or
13 somewhere in between?

14 A. Yeah, somewhere in between. There were
15 days that she'd just come in and out and there
16 were days she was there -- she would be there all
17 day but she would be in her office upstairs.

18 Q. Did you interact with Christina Vargas
19 when she was at the South Meadows location?

20 A. Just when she would come and get
21 something to eat. We would just say hi or I would
22 take her order, deliver it to her, but that was
23 it.

24 Q. How would you describe your interaction
25 with Christina Vargas?

1 A. Good. She was friendly. She was good.
2 She was social. She was good. I mean, we
3 never -- she just made sure everything was going
4 smooth, if there was any problems, and I said no.
5 But we didn't -- we didn't have a long
6 conversation. It was just something short.

7 Q. Was she pleasant with you?

8 A. Yes.

9 Q. Was she respectful towards you?

10 A. Yes.

11 Q. Did she say hello to you?

12 A. Yes.

13 Q. Did she ever do or say anything that was
14 offensive to you?

15 A. No.

16 Q. What is your national origin?

17 A. Hispanic.

18 Q. Okay. Is your family from Mexico?

19 A. Yes.

20 Q. Were you born in the United States?

21 A. Yes.

22 Q. Were your parents born in the United
23 States or were they born in Mexico?

24 A. In Mexico.

25 Q. Do you speak Spanish?

1 A. No.

2 Q. Did you ever see Ms. Vargas interact
3 with the kitchen staff at South Meadows?

4 A. Yeah, when she would come in for the
5 huddle meetings, and she would attend some of
6 those sometimes, yes.

7 Q. What was the -- what's the -- when you
8 worked in the Cafe at South Meadows, what's the
9 majority of the nationality of the staff at South
10 Meadows in the kitchen?

11 A. Hispanic.

12 Q. Primarily, you know, was everybody
13 Hispanic or were there some Caucasians?

14 A. Yeah, it's mixed. There were some
15 Filipinos, Caucasians.

16 Q. From what you witnessed, was Ms. Vargas
17 respectful towards the kitchen staff at the South
18 Meadows location?

19 A. Yes.

20 Q. Did she say hello to the kitchen staff
21 when you worked in the Cafe at the South Meadows
22 location?

23 A. I don't remember witnessing -- maybe a
24 couple of times.

25 Q. Did she ever see -- oh, I'm sorry. Go

1 ahead.

2 A. I mean, every time she would be in the
3 kitchen, she would be nice to everybody. I mean,
4 was friendly to the meeting.

5 Q. Did you ever see Ms. Vargas interact
6 with Ms. Sanchez?

7 A. Inter-react (sic)? No.

8 Q. So you never saw Ms. Vargas talk to
9 Lucero Sanchez?

10 A. Christina -- that's the only thing I
11 noticed from Christina; she would ignore -- not
12 acknowledge Lucero.

13 Q. Do you know why she wouldn't acknowledge
14 Lucero?

15 A. No, I don't know.

16 Q. Do you --

17 A. I thought that was kinda weird. She
18 would talk to everybody, like, nice, and Lucero
19 was not the only one she wouldn't acknowledge.

20 Q. Who else did Ms. Vargas not acknowledge?

21 A. Lucero was the only one I noticed.

22 Q. Oh, okay. Lucero was the only one who
23 you saw Ms. Vargas ignore or not acknowledge?

24 A. Uh-huh.

25 Q. Do you have any reason to believe that

1 Ms. Vargas didn't like Ms. Sanchez because she's
2 Mexican or Hispanic?

3 A. No. I don't know.

4 Q. Because you saw Ms. Vargas interact
5 pleasantly and respectfully with other Mexicans
6 and Hispanic -- Hispanics?

7 A. Yes.

8 Q. Did you ever hear Ms. Vargas make any
9 unfavorable comments about Ms. Sanchez?

10 A. No.

11 Q. Did you ever hear Ms. Vargas make any
12 comments about Mexicans?

13 A. No.

14 Q. Did you ever hear Ms. Vargas make any
15 comments about Hispanics?

16 A. No.

17 Q. Is there anything else that you can tell
18 me that you witnessed with respect to Ms. Vargas'
19 interactions with Ms. Sanchez?

20 A. With Ms. Sanchez? No. It's just that
21 that look at a sight -- you know when you look at
22 somebody and don't like 'em you turn your sight
23 away or -- or you do gestures with your face?
24 That's what I noticed sometimes with Christina
25 when she would cross Lucero.

1 Q. What kind of gestures with her face did
2 Ms. Vargas make?

3 A. Like rolling her eyes or like picking up
4 her lip like -- like when you don't like -- I
5 don't know. I guess she didn't like her, but I
6 could -- I could see that, but there was no
7 contact in between both of them.

8 Q. How many times do you think you saw
9 Ms. Vargas interact with Ms. Sanchez? So, for
10 example, if you saw Ms. Sanchez -- if you saw
11 Ms. Vargas at South Meadows three times a month,
12 how many of those times would you see Ms. Vargas
13 interact with Ms. Sanchez?

14 A. No, the -- I can only tell you the times
15 that I saw her act the way she did, Christina
16 towards Sanchez, because there were times when
17 Christina would come and Lucero wasn't there or --
18 when Lucero was there, that's the times I could
19 tell you. About three times I thought that was --
20 I said: No, there's something going on because
21 she's not acknowledging her, she's not talking to
22 her. That's when I noticed that there was
23 something.

24 Q. Okay. So how many times --

25 A. -- going on.

1 Q. -- did you see that interaction between
2 Ms. Vargas and Ms. Sanchez that Ms. Vargas either
3 rolled her eyes or, you know, didn't look at
4 Ms. Sanchez?

5 A. About three to four times.

6 Q. Three to four times total?

7 A. Yes.

8 Q. Okay. Did you ever see Mr. Bart
9 interact with Ms. Sanchez?

10 A. Yeah. He would come to South Meadows,
11 too.

12 Q. How would you describe the interaction
13 between Mr. Bart and Ms. Sanchez?

14 A. Normal. I mean, they would say hello to
15 each other and then went apart.

16 Q. Did you ever hear Mr. Bart make any
17 unfavorable comments about Ms. Sanchez?

18 A. No.

19 Q. Did you ever hear Mr. Bart make any
20 comments about Mexicans?

21 A. No.

22 Q. Did you ever hear Mr. Bart make any
23 comments about Hispanics?

24 A. No.

25 Q. Did Mr. Bart -- did you ever see

1 Mr. Bart say hello to the kitchen staff?

2 A. Yes.

3 Q. How would you describe Mr. Bart's
4 interactions with the kitchen staff?

5 A. Good. Positive. Everybody -- everybody
6 enjoyed him.

7 Q. Do you have any information that would
8 lead you to believe that Mr. Bart did not like
9 Ms. Sanchez because she is Mexican or Hispanic?

10 A. No.

11 Q. Did you ever see Ms. Foley interact with
12 Ms. Sanchez?

13 A. Yeah. We worked together.

14 Q. How would you describe Ms. Foley's
15 interactions with Ms. Sanchez?

16 A. Neutral, I believe. I'm not sure. What
17 do you mean inter-reaction?

18 Q. So you described Ms. Sanchez's
19 interactions with Mr. Bart as normal. Did you
20 think that Ms. Foley's interactions with
21 Ms. Sanchez were normal or unusual?

22 A. No, normal.

23 Q. Okay. Did you ever hear Ms. Foley make
24 any unfavorable comments about Ms. Sanchez?

25 A. No.

1 Q. Did you ever hear Ms. Foley make any
2 comments about Mexicans?

3 A. No.

4 Q. Did you ever hear Ms. Foley make
5 comments about Hispanics?

6 A. No.

7 Q. Did you see Ms. Foley interact with the
8 kitchen staff?

9 A. Yes.

10 Q. Did Ms. Foley interact respectfully with
11 the kitchen staff?

12 A. Yes.

13 Q. Did Ms. Foley say hello to the kitchen
14 staff?

15 A. Yeah. She has her little attitude
16 sometimes but, yeah, she did.

17 Q. Do you have any reason or -- reason to
18 believe or any information that would lead you to
19 believe that Ms. Foley did not like Ms. Sanchez
20 because she is Mexican or Hispanic?

21 A. No.

22 Q. Same questions about Jessie Russell in
23 human resources: Did you ever see -- do you know
24 who I'm talking about when I say Jessie Russell?

25 A. Yes.

1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, CHRISTINE G. GRIFFIN, the officer
3 before whom the foregoing deposition was taken, do
4 hereby certify that the foregoing transcript is a
5 true and correct record of the testimony given;
6 that said testimony was taken by me
7 stenographically and thereafter reduced to
8 typewriting under my direction; that I am neither
9 counsel for, related to, nor employed by any of
10 the parties to this case and have no interest,
11 financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand and affixed my notarial seal this 11th day
14 of August, 2022.

15 My commission expires:
16 August 27, 2023

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22 THE STATE OF TEXAS
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